

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARLENE DENISE ARGILAGOS,

Plaintiff,

v.

POLICE OFFICER OSWALDO RIVERA, STATE
OF NEW YORK and JANE DOE,

Defendants.

MEMORANDUM & ORDER
16-CV-6255 (MKB) (LB)

MARGO K. BRODIE, United States District Judge:

Plaintiff Marlene Denise Argilagos, proceeding *pro se*, commenced the above-captioned action on November 2, 2016, against Defendants Police Officer Oswaldo Rivera, State of New York and Jane Doe, asserting a claim for excessive force pursuant to 42 U.S.C. § 1983. (Compl., Docket Entry No. 1.) On May 22, 2017, Magistrate Judge Lois Bloom scheduled an initial conference for June 21, 2017. (Scheduling Order dated May 22, 2017, Docket Entry No. 25.) Plaintiff failed to appear at the initial conference. (Minute Entry dated June 21, 2017, Docket Entry No. 31.) On June 23, 2017, Judge Bloom rescheduled the initial conference for July 19, 2017, ordered Plaintiff to appear, advised Plaintiff that she must obey the court's orders, and warned Plaintiff that her failure to appear at the July 19 conference could result in dismissal of the action. (Order dated June 23, 2017, Docket Entry No. 33.) Plaintiff failed to appear at the initial conference on July 19, 2017. (Minute Entry dated July 19, 2017, Docket Entry No. 34.) By report and recommendation dated July 20, 2017 (the "R&R"), Judge Bloom recommended that the Court dismiss the action for failure to prosecute pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure. (R&R 3–4, Docket Entry No. 35.) No party has objected to the R&R.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection to a report and recommendation, the district court reviews *de novo* the parts of the report and recommendation to which the party objected. *Id.*; *see also United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. *John Hancock Life Ins. Co. v. Neuman*, No. 15-CV-1358, 2015 WL 7459920, at *1 (E.D.N.Y. Nov. 24, 2015). The clear error standard also applies when a party makes only conclusory or general objections, or simply reiterates its original arguments. *Chime v. Peak Sec. Plus, Inc.*, 137 F. Supp. 3d 183, 187 (E.D.N.Y. 2015) ("General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error." (citation omitted)); *see also DePrima v. N.Y.C. Dep't of Educ.*, No. 12-CV-3626, 2014 WL 1155282, at *3 (E.D.N.Y. Mar. 20, 2014) (collecting cases).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Court dismisses this action for failure to prosecute. The Clerk of Court is directed to close this case.

SO ORDERED:

s/ MKB
MARGO K. BRODIE
United States District Judge

Dated: August 23, 2017
Brooklyn, New York